

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2005 Legislative Session

Legislative day #_6

BILL NO. 29 - 2005

Introduced by Charles C. Feaga

An Act amending Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to require that pre-submission community meetings be required for residential subdivision applications in the County, with certain exceptions.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2005 and concluded on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2005 and Passed __, Passed with amendments __, Failed __.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2005 at _____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2005.

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be it enacted by the County Council of Howard County, Maryland, that subsection (b) of Section 16.127 “Residential Infill Development”, Sections 16.128-16.129 “Reserved”, of Article II “Design Standards and Requirements”; Section 16.144 “General Procedures Regarding the Subdivision Process”, subsections (b)(2) and (c)(20) of Section 16.145 “Sketch Plan; Preliminary Equivalent Sketch Plan”, and subsections (b)(1) and (c)(32) of Section 16.147 “Final Subdivision Plan and Final Plat” of Article IV “Procedures for Filing and Processing Subdivision Applications”; and subsection (a) of Section 16.156 “Procedures”, subsection (c)(15) of Section 16.157 “Required Information for Site Development Plans” of Article V “Procedures for Filing and Processing Site Development Plan Applications”, all of Subtitle 1 “Subdivision and Land Development Regulations”, of Title 16 “Planning, Zoning and Subdivision and Land Development Regulations”, of the Howard County Code are hereby amended to read as follows:

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations

Subtitle 1. Subdivision and Land Development Regulations

Article II. Design Standards and Requirements

Section 16.127. Residential Infill Development

(a) Purpose:

- (1) Accommodate growth within areas that already have infrastructure and public facilities in the context of existing communities;
- (2) Ensure development occurs in a manner that protects the environment, achieves high quality design and strengthens existing communities; and
- (3) Encourage investment in older established communities.

(b) Pre-submission community meeting: A pre-submission community meeting is required prior to the initial submittal of plans for new residential infill developments submitted after November 15, 2001, according to the [[following]] procedures ESTABLISHED IN SECTION 16.128 OF THIS TITLE.[[:]]

[[(1) The initial plan submittal shall be as defined in Section 16.108 of this Subtitle.

(2) The meeting shall be:

- 1 (i) Held at a location within the community, preferably in a public or
2 institutional building; and
- 3 (ii) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening,
4 or to be held between 9 a.m. and 5 p.m. on a Saturday.
- 5 (3) The developer shall provide two week's advance notice regarding the date,
6 time, and location of the pre-submission community meeting to be held for
7 a new residential infill development project to:
- 8 (i) all adjoining property owners identified in the records of the State
9 Department of Assessments and Taxation, by first-class mail; and
- 10 (ii) the Department of Planning and Zoning, which will place the
11 meeting notice on the Department's web site.
- 12 (4) The pre-submission community meeting is for the developer to provide
13 information to the community regarding the proposed residential infill
14 development and to allow community residents to ask questions and make
15 comments.
- 16 (5) A certification that meeting notices were mailed and a summary of the
17 comments made by residents at the pre-submission community meeting shall
18 be transmitted by the developer to the Department of Planning and Zoning
19 when the initial plans are submitted for County review.
- 20 (6) If the developer does not submit plans to the Department of Planning and
21 Zoning within 1 year of the pre-submission community meeting, another pre-
22 submission community meeting and notification in accordance with Subsection
23 b(1) of this Section shall be required.]]

24
25 SECTION 16.128. PRE-SUBMISSION COMMUNITY MEETINGS; EXCEPTIONS.

26 ***PRE-SUBMISSION COMMUNITY MEETING:*** A PRE-SUBMISSION
27 COMMUNITY MEETING IS REQUIRED PRIOR TO THE INITIAL SUBMISSION

1 OF PLANS FOR ALL NEW RESIDENTIAL DEVELOPMENTS ACCORDING TO
2 THE FOLLOWING PROCEDURES:

3 (A) THE INITIAL PLAN SUBMITTAL SHALL BE AS DEFINED IN
4 SECTION 16.108 OF THIS SUBTITLE.

5 (B) THE MEETING SHALL BE:

6 (1) HELD AT A LOCATION WITHIN THE COMMUNITY,
7 PREFERABLY IN A PUBLIC OR
8 INSTITUTIONAL BUILDING; AND

9 (2) SCHEDULED TO START BETWEEN 6 P.M. AND 8 P.M. ON A
10 WEEKDAY EVENING, OR TO BE HELD BETWEEN 9 A.M. AND
11 5 P.M. ON A SATURDAY.

12 (C) THE DEVELOPER SHALL PROVIDE TWO WEEK'S ADVANCE
13 NOTICE REGARDING THE DATE, TIME, AND LOCATION OF THE
14 PRE-SUBMISSION COMMUNITY MEETING TO BE HELD FOR A
15 NEW RESIDENTIAL DEVELOPMENT PROJECT TO:

16 (1) ALL ADJOINING PROPERTY OWNERS IDENTIFIED IN THE
17 RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS
18 AND TAXATION, BY FIRST-CLASS MAIL; AND

19 (2) THE DEPARTMENT OF PLANNING AND ZONING, WHICH
20 WILL PLACE THE MEETING NOTICE ON THE
21 DEPARTMENT'S WEB SITE.

22 (D) THE PRE-SUBMISSION COMMUNITY MEETING IS FOR THE
23 DEVELOPER TO PROVIDE INFORMATION TO THE COMMUNITY
24 REGARDING THE PROPOSED RESIDENTIAL DEVELOPMENT AND
25 TO ALLOW COMMUNITY RESIDENTS TO ASK QUESTIONS AND
26 MAKE COMMENTS.

27 (E) A CERTIFICATION THAT MEETING NOTICES WERE MAILED AND A
28 SUMMARY OF THE COMMENTS MADE BY RESIDENTS AT THE

1 PRE-SUBMISSION COMMUNITY MEETING SHALL BE
2 TRANSMITTED BY THE DEVELOPER TO THE DEPARTMENT OF
3 PLANNING AND ZONING WHEN THE INITIAL PLANS ARE
4 SUBMITTED FOR COUNTY REVIEW.

5 (F) IF THE DEVELOPER DOES NOT SUBMIT PLANS TO THE
6 DEPARTMENT OF PLANNING AND ZONING WITHIN 1 YEAR OF
7 THE PRE-SUBMISSION COMMUNITY MEETING, ANOTHER PRE-
8 SUBMISSION COMMUNITY MEETING AND NOTIFICATION IN
9 ACCORDANCE WITH SUBSECTION B(1) OF THIS SECTION SHALL
10 BE REQUIRED.

11
12 ***EXCEPTIONS.*** MINOR RESIDENTIAL SUBDIVISIONS LOCATED OUTSIDE OF
13 THE HOWARD COUNTY PLANNED SERVICE AREA FOR WATER AND SEWER
14 ARE EXEMPT FROM THIS REQUIREMENT.

15
16 **Section[[s 16.128 –]]16.129. Reserved**

17
18 **Article IV. Procedures for Filing and Processing Subdivision Applications**

19
20 **Section 16.144. General procedures regarding the subdivision process.**

21 Except as provided in Section 16.102 of this Subtitle, all proposals to subdivide land shall be
22 processed in accordance with the following procedures:

23 (A) PRE-SUBMISSION COMMUNITY MEETING: A PRE-SUBMISSION
24 COMMUNITY MEETING IS REQUIRED PRIOR TO THE INITIAL SUBMISSION OF
25 SKETCH PLANS OR PRELIMINARY EQUIVALENT SKETCH PLANS IN ACCORDANCE
26 WITH SECTION 16.128 OF THIS ARTICLE.

1 **Section 16.145. Sketch plan; preliminary equivalent sketch plan.**

2 (a) Purpose: The purpose of the sketch plan or preliminary equivalent sketch plan is to
3 indicate to the County the intent, scope and timing of the subdivision and to
4 familiarize the developer with County and State plans which may affect the
5 subdivision. The subdivision will also be tested at this stage for the adequacy of
6 public facilities in accordance with the provisions of Subtitle 11, "Adequate Public
7 Facilities," of this Title. Preliminary equivalent sketch plans, which proceed directly
8 from preliminary equivalent sketch plan approval to final plan submission, also
9 provide the information required with preliminary plans. A preliminary equivalent
10 sketch plan is required for all major subdivisions in the RC, RR and R-ED zoning
11 districts.

12 (b) Procedures:

13 (1) Informational meeting prior to plan submission: The developer, especially the
14 developer of a large or complex project, is encouraged to contact the
15 Department of Planning and Zoning to schedule an informational meeting
16 with the Department and other appropriate agencies prior to submitting the
17 sketch plan or preliminary equivalent sketch plan so that requirements for
18 adequate public facilities testing, the General Plan, the capital improvement
19 program and other information can be provided prior to formal submission of
20 the plan application.

21 (2) Pre-submission community meeting: If the initial plan submittal for a[[n]]
22 [[infill]] RESIDENTIAL subdivision is a sketch plan or preliminary
23 equivalent sketch plan, the developer of the subdivision is required to hold a
24 pre-submission community meeting in accordance with Section 16.127
25 128 of this Subtitle.

26 (c) Required Information. A checklist specifying the required information format for
27 sketch plan submission is to be provided by the Department of Planning and Zoning.
28 For all types of subdivisions, except for apartments, the sketch plan, drawn on 24-

1 inch by 36-inch sheets to scale 1 inch equals 200 feet, or as approved by the
2 Department of Planning and Zoning shall be submitted on a topographic map,
3 accompanied by an application form, checklist, and fee and the following items.
4 Apartment developments shall be drawn at a scale of 1 inch equals 100 feet or 1
5 inch equals 50 feet and shall also provide the information required in paragraph (16)
6 of this subsection. The Department of Planning and Zoning will provide a separate
7 submission checklist for a preliminary equivalent sketch plan that incorporates
8 appropriate requirements from the checklists for both sketch and preliminary plans.
9 (20) For [[infill]] residential developments required to hold pre-submission
10 community meetings in accordance with Section 16.128 of this
11 Subtitle, a certification that meeting notices were mailed and a summary of
12 the comments made at the meeting.

13
14 **Section 16.147. Final subdivision plan and final plat.**

- 15 (a) Purpose: The final subdivision plan is the culmination of the subdivision process and
16 shall include all information necessary to comply with subsection (c), "Required
17 Information for Final Plat"; (d) "Construction Drawings, Documents and
18 Specifications"; (e), "Developer's Agreement"; and (f), "Major Facilities Agreement,"
19 of this section. The final plat becomes the official record of the division of land, and
20 no lot within the subdivision may be sold legally until a final plat has been approved
21 and recorded by the department of planning and zoning. The extent of a phased
22 subdivision included in each final subdivision plan shall be consistent with the phasing
23 schedule included in the approved sketch plan.
- 24 (b) Procedures:
- 25 (1) Pre-submission community meeting for minor subdivisions: If the initial plan
26 submittal for a residential [[infill]] subdivision is a final plan LOCATED IN
27 THE PLANNED SERVICE AREA FOR WATER AND SEWER, the
28 developer of the subdivision is required to hold a pre-submission community

meeting in accordance with Section 16.127 128 of this Subtitle.

- (c) Required Information for Final Plat: A checklist specifying the required format for final plat submission shall be provided by the Department of Planning and Zoning. The final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material approved by the Howard County Department of Planning and Zoning and shall conform to the plat requirements of the Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted. Information to be shown on the final plat shall include:

- (32) For [infill] residential developments required to hold a pre-submission community meeting in accordance with Section 16.127 128 of this Title, a certification that meeting notices were mailed and a summary of the comments made at the meeting.

Article V. Procedures for Filing and Processing Site Development Plan Applications

Section 16.156. Procedures.

- (a) Pre-submission community meeting: If the initial plan submittal for a residential [infill] development is a site development plan, the developer is required to hold a pre-submission community meeting in accordance with Section 16.127 128 of this Subtitle.

1 **Section 16.157. Required information for site development plans.**

2 Applications for site development plans shall conform to a checklist prepared by the
3 Department of Planning and Zoning which shall indicate the format of the plan, the information to be
4 provided, etc. The site development plan shall show the existing information and proposed
5 improvements with sufficient detail for agency review and approval and subsequent construction. A
6 checklist may include, but shall not be limited to, the following requirements:

7 (c) Information Concerning Proposed Improvements:

8 (15) For [[infill]] developments required to hold a pre-submission community
9 meeting in accordance with Sections 16. [[127]] 128 and 16.156(a) of this
10 Subtitle, a certification that meeting notices were mailed and a summary of
11 the comments made at the meeting.

12
13
14 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***
15 *the remainder of subsections (b) through (s) of Section 16.144 “General Procedures*
16 *Regarding the Subdivision Process” be renumbered accordingly.*

17
18 ***Section 3. Be it further enacted by the County Council of Howard County, Maryland, that***
19 *this Act shall become effective 61 days after its enactment.*